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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/762,758

01/21/2004

Stephen Cozzolino

0148-1

5583

25901

7590

09/03/2009

ERNEST D. BUFF

ERNEST D. BUFF AND ASSOCIATES, LLC.

231 SOMERVILLE ROAD

BEDMINSTER, NJ 07921

EXAMINER

ABDELSALAM, FATHI K

ART UNIT

PAPER NUMBER

3689

MAIL DATE

DELIVERY MODE

09/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/762,758	Applicant(s) COZZOLINO, STEPHEN	
	Examiner Fathi Abdelsalam	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a final office action in response to communications received on 4/24/2009.

Response to Amendments

2. The amendment of 4/24/09 has been received and entered. Claims 1-15 have been amended, and claims 16-20 have been added. Claims 1-20 are pending herein.

Claim Objections

3. Claim 1 is objected to because of the following informalities: Applicant recites "the Originator can cancel the new task thereby transitioning the this task to the Canceled Task state." The underlined appears to be a minor grammatical error.

4. Claim 17 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 17 adds no further limitation to independent claim 16.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 4-15, 18, and 20 are rejected under 35 U.S.C. 112, first and second paragraphs, respectively, as failing to comply with the enablement requirement and failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. The claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Independent claim 4 recites: “graphical user interface system software incorporates said Task State system software”—examiner is unclear on how the “graphical user interface system software incorporates said Task State system software”? Is applicant simply stating that the graphical user interface displays a software application? How do the two system software differ?

Likewise, the same questions arise in regard to claims 18 and 20, wherein the claims recite: “graphical user interface system software additionally comprises a graphical illustration of said task state machine.”

8. Claims 1-15 are further rejected under 35 U.S.C. 112, second paragraph as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are rendered indefinite because the applicant is attempting to incorporate claim limitations by reference without stating them clearly in the claim language. Examiner does not understand the purpose of the flow diagram in claim 1.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredell et al. (PGPUB 2001/0028364), hereinafter referred to as Fredell, in view of Corral (US 7,337,124).

11. Regarding **Claims 1-15**:

Fredell discloses an enterprise wide task and commitment management system for monitoring and recording single tasks forming part of a project performable by two employees that function as a task Originator and a task Recipient in a matrix based organization ("a method and system for communicating to such users tasks that need to be executed in connection with a project, and to a method and system for tracking and managing execution of such tasks" [0002]). See also ("Project Manager" [0018]) and ("Project Participant" [0017]).

The system comprising:

a. one or more Task State machine system software storage means tangibly storing software that enforces one or more rules of a Task State machine (“FIG. 2 shows further exemplary features in connection with the server software which may be readily incorporated in web server 20. For example, a distribution module 50 allows web server 20 to electronically distribute the project documentation as well as secure communications among the project participants to enable them to perform the project efficiently” [0041]); and

storing all Task State changes to a relational database (“allows for posting over the global communications network to selected project participants the plurality of project tasks. The posted plurality of project tasks is linkable to the database” [Abstract]). See also at least [0011 and 0086] - pertaining to database storage.

b. a graphical user interface means, having a graphical user interface system software, associated with said system software, wherein the interface means provides an ability to transact tasks, and provides visibility of task related details to employees based on an organizational hierarchy (“further provides an interface screen available through a global communications network. The interface screen is configurable to identify a plurality of project tasks. The interface screen includes a datafield” [0010]). See also (“FIG. 2 shows further exemplary features in connection with the server software which may be readily incorporated in web server 20. For example, a distribution module 50 allows web server 20 to electronically distribute the project” [0041]).

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Fredell further discloses the system wherein:

said graphical user interface system software incorporates said Task State system software (See at least Figures 2, 3, 4, 5, 6, and 7) and is based on a Task Role and a Task State, wherein said Task Role can be an:

Originator, ("Project Manager" Fredell [0018]);

A Recipient, ("Project Participant" Fredell [0017]);

An Observer ("user authorization module 56 which allows only authorized personnel to access individual memoranda and related documents and communications through an interface module 76" Fredell [0042]). See also ("For example, in addition to the authorized project managers, participant access to first database section 30 could be selectively controlled or categorized into distinct types, e.g., Editor and Reader" Fredell [0086]);

and said Task State can be the Generated Task State, defining a task and wherein the Task Role is the Originator and said Task State is the Requested Task State, requesting a defined task from a Recipient ("FIG. 5 illustrates an exemplary Web page 200 that may be provided for inputting task data into the "Project Task Manager". As suggested above, web page 200 includes a datafield 202 for identifying the task. A task menu 204 may be used for classifying the task into a respective group of related tasks. A datafield 206 allows for providing detailed information in connection with each respective task. Datafields 208 and 210 are respectively provided for identifying a time window during which the time window should be performed. Datafield 212 allows for identifying the assignee of the task" Fredell [0093]).

Fredell does not explicitly disclose that the system incorporates Requested, Accepted, Submitted, Closed, Declined and Canceled specific Task States.

However, Corral teaches an enterprise wide task and commitment management system, wherein said graphical user interface system software incorporates any of the Task States (Requested, Accepted, Submitted, Closed, Declined and Canceled) relating to the corresponding user roles as described in the following paragraphs:

wherein the Task Role is the Originator, and can cancel the task thereby

transitioning the task to the Canceled Task state ("allow each change to be accepted (or rejected or deferred) by the appropriate authority" Corral [Col. 7, lines 24-31]);

wherein the Task Role is the Recipient and said Task State is the Requested

Task State, a defined task being evaluated by the Recipient to determine if the task should be accepted, declined or modified. ("FIG. 2, column 208 shows a Documentation Review and Acceptance (R&A) process to be immediately described with reference to FIGS. 6-a and 6-b" Corral [Col. 17, lines 20-23]). See also ("reports generated by request" Corral [Col. 4, lines 61-62]). See also ("To manage each request for change to ensure that the scope of the Project is kept under control; To ensure each request for change is assessed by key project players; To allow each change to be accepted (or rejected or deferred) by the appropriate authority; To enable the orderly implementation of each accepted change" Corral [Col. 7, lines 24-31]).

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wherein the Task Role is the Recipient or the Originator and said Task State is the Requested or Accepted Task State, a defined task is modified by transitioning to the Change Request Task State (“reports generated by request” Corral [Col. 4, lines 61-62]). See also (“To manage each request for change to ensure that the scope of the Project is kept under control; To ensure each request for change is assessed by key project players; To allow each change to be accepted (or rejected or deferred) by the appropriate authority; To enable the orderly implementation of each accepted change” Corral [Col. 7, lines 24-31]).

wherein the Task Role is the Observer and the Task State is the Requested Task State (“reports generated by request” Corral [Col. 4, lines 61-62]);

wherein the defined task is viewable by anyone in the enterprise who has implicit visibility rights because they are in the upward, inline management of the Originator or the Recipient of the task (“user authorization module 56 which allows only authorized personnel to access individual memoranda and related documents and communications through an interface module 76” Fredell [0042]). See also (“For example, in addition to the authorized project managers, participant access to first database section 30 could be selectively controlled or categorized into distinct types, e.g., Editor and Reader” Fredell [0086]);

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wherein the Task Role is the Recipient and Task State is the Accepted Task State (“a documentation process for reviewing and accepting documents generated by the product development projects” Corral [Claim 1]);

wherein a defined task is accepted by the Recipient through one-on-one negotiation (“Negotiations may then occur between the acquiring entity and the target generating more documentation prior to closing” Fredell [0007]). See also (Figure 6);

wherein the Task Role is Observer and Task State is the Accepted Task State (“a documentation process for reviewing and accepting documents generated by the product development projects” Corral [Claim 1]);

said accepted task being viewable by any one in the enterprise who has implicit visibility rights because they are in the upward, inline management of the Originator or the Recipient of the task (“user authorization module 56 which allows only authorized personnel to access individual memoranda and related documents and communications through an interface module 76” Fredell [0042]). See also (“For example, in addition to the authorized project managers, participant access to first database section 30 could be selectively controlled or categorized into distinct types, e.g., Editor and Reader” (Fredell [0086]));

wherein the Task Role is Recipient and Task State is Submitted Task State (“Fill in & submit” Corral [Col. 15, Table 15]);

said task being submitted by the Recipient in the form of an RTF file or other file type based on filters loaded in said relational database means (“method and system for distributing electronic documents” Fredell [0002]). See also (“When implemented on a computer, the computer program code segments configure the computer to create specific logic circuits or processing modules” Fredell [0130]) – the specific processing modules serve as filters;

wherein the Task Role is the Observer and said Task State is the Submitted Task State (“Fill in & submit” Corral [Col. 15, Table 15]);

said submitted task being viewable by any one in the enterprise who has implicit visibility rights because they are in the upward, inline management of the Originator or the Recipient of the task (“user authorization module 56 which allows only authorized personnel to access individual memoranda and related documents and communications through an interface module 76” Fredell [0042]). See also (“For example, in addition to the authorized project managers, participant access to first database section 30 could be selectively controlled or categorized into distinct types, e.g., Editor and Reader” Fredell [0086]);

wherein the Task Role is the Originator and said Task State is the Submitted Task State (“Fill in & submit” Corral [Col. 15, Table 15]);

said submitted task being reviewed by the Originator to accept and close the task or reject and submit for rework by the Recipient (“FIG. 2,

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column 208 shows a Documentation Review and Acceptance (R&A) process to be immediately described with reference to FIGS. 6-a and 6-b” Corral [Col. 17, lines 20-23]).

“As for all the previously described processes, the QMA tasks are accessible through a GUI interface” Corral [Col. 44, lines 34-35].

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system and method of Fredell so as to have included said Task States and corresponding said task roles as taught by Corral, in order to better assist in “defining the documentation workflows; and ensuring that the teams conform to the workflow” (Corral), since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results. Additionally, both the Patent and Patent Application referred to herein relate to the same field of endeavor (management of tasks and business processes) and are directed to the same problem sought to be solved (optimizing task and work flow).

12. Regarding **Claim 2**:

Fredell discloses an enterprise wide task and commitment management system as recited by claim 1, wherein said Task State machine system software and said graphical user interface system software is resident on a single server computer (“FIG. 2 shows further exemplary features in connection with the server software which may be readily incorporated in web server 20. For example, a distribution module 50 allows

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web server 20 to electronically distribute the project” 0041]). See also Figure 1 –
pertaining to Network service provider administrator 22 and Web Server.

13. Regarding **Claim 3**:

Fredell discloses an enterprise wide task and commitment management system as recited by claim 1, wherein said Task State machine system software and said graphical user interface system software is distributed over a network (“FIG. 2 shows further exemplary features in connection with the server software which may be readily incorporated in web server 20. For example, a distribution module 50 allows web server 20 to electronically distribute the project” [0041]). See also Figure 1.

14. Regarding **Claim 15**:

Fredell discloses an enterprise wide task and commitment management system as recited by claim 4, wherein inline managers using the Task Role of the Observer to monitor a Requested Task, an Accepted Task, a Submitted Task, a Declined Task, and a Closed Task for:

a. generating one or more employee performance appraisals and substantiating the appraisal with at least one selective task content from the database (“a database management tool 28 using software techniques well known to those skilled in the art, allows for electronically coupling web server 20 to database 26 made up of a first database section 30 where the project-related data may be conveniently stored” Fredell

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[0086]). See also (“analysis performed on the historical project issue data” Fredell [Claim 12]).

Additionally, Examiner takes official notice that generating employee performance appraisals is old and well known in the art and is common practice throughout many industries as a means to effectively manage subordinates (e.g., a foreman at a factory reviewing assembly line workers for quality production or a school teacher issuing report cards), and therefore, one of ordinary skill in the art at the time of applicant's claimed invention would have found this use obvious to have included in the method described above, since so doing could be performed readily and easily with neither undue experimentation, nor risk of unexpected results.

b. mining the database for one or more recurring tasks and one or more multiple, linked recurring tasks to discover one or more inefficiencies and consequently redesign a business process to gain one or more efficiencies (“system may facilitate adjusting the plurality of tasks for new similar projects in view of expert analysis performed on the historical project issue data since one could learn from issues having developed during past performance of similar projects” Fredell [0091]); and

c. providing a firsthand content of who did what and when to prove compliance of state or federal regulations (“said interface screen including a datafield for defining a respective time window over which each of said tasks is to be performed by at least one project participant... automatically generating a warning message to the project participant responsible for performing a given task when the results of the relating step

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exceed predefined task-completion thresholds relative to the respective time window”

Fredell [Claim 17]).

15. Regarding **Claim 20**:

Fredell discloses an enterprise wide task and commitment management system as recited in claim 1, wherein said graphical user interface system software additionally comprises a graphical illustration of said task state machine representing a selected task (See figure 4 – “My Tasks”).

But, Fredell fails to disclose the system wherein the current task state is shown in an alternate color, font, or image than the non- current task states of the selected task; the said graphical illustration being further capable of representing the zero or more permissible task transitions in an alternate color, font or image than the non-permissible task transitions available to the current user based on the current user's task role of Originator, Recipient or Observer on the selected task; the said graphical illustration being further capable of displaying a text message stating the user's task role, the current task state and the permissible task transition options based on the user's task role of Originator, Recipient or Observer on the selected task.

However, Examiner takes official notice that employing the use of color coding and text message display to further identify computer application users -- is old and well known in the art and is common practice throughout many software applications, and therefore, one of ordinary skill in the art at the time of applicant's claimed invention would have found this use obvious to have included in the method described above, in

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order to more readily establish user roles for quick visual identification, since so doing could be performed readily and easily with neither undue experimentation, nor risk of unexpected results.

Moreover, the color and message descriptor data is non-functional descriptive data. Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Exemplary "functional descriptive material" consists of data structures and computer programs, which impart functionality when employed as a computer component. "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data.

When presented with a claim comprising descriptive material, an Examiner must determine whether the claimed nonfunctional descriptive material should be given patentable weight. The Patent and Trademark Office (PTO) must consider all claim limitations when determining patentability of an invention over the prior art. In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401,404 (Fed. Cir. 1983). The PTO may not disregard claim limitations comprised of printed matter. See Gulack, 703 F.2d at 1384-85, 217 USPQ at 403; see also Diamond v. Diehr, 450 U.S. 175, 191, 209 USPQ 1, 10 (1981). However, the examiner need not give patentable weight to descriptive material absent a new and unobvious functional relationship between the descriptive material and the substrate. See In re Lowry, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994); In re Ngai, 367 F.3d 1336, 1338, 70 USPQ2d 1862, 1863-64 (Fed. Cir. 2004). Thus, when the prior art describes all the claimed structural and functional relationships

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between the descriptive material and the substrate, but the prior art describes a different descriptive material than the claim, then the descriptive material is nonfunctional and will not be given any patentable weight. That is, such a scenario presents no new and unobvious functional relationship between the descriptive material and the substrate.

The Examiner asserts that the color and message descriptor data adds little, if anything, to the claimed acts or steps and thus do not serve as limitations on the claims to distinguish over the prior art. MPEP 2106.01 indicates that "certain types of descriptive material, such as music, literature, art, photographs, and mere arrangements or compilations of facts or data, without any functional interrelationship is not a process, machine, manufacture, or composition of matter." Any differences related merely to the meaning and information conveyed through data which does not explicitly alter or impact the steps is non-functional descriptive data. Except for the meaning to the human mind, the data pertaining to the color and message descriptor does not functionally relate to the substrate and thus does not change the steps of the method as claimed.

16. Regarding **Claims 16 and 17**:

Claims 16 and 17 recite substantially similar limitations to claims 1-15 and are therefore rejected using the same art and rationale set forth above.

Fredell further discloses:

a graphical user interface system software wherein a task Originator and a task Recipient are granted visibility privileges to observe the task in the role of Observer

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("user authorization module 56 which allows only authorized personnel to access individual memoranda and related documents and communications through an interface module 76" Fredell [0042]). See also ("For example, in addition to the authorized project managers, participant access to first database section 30 could be selectively controlled or categorized into distinct types, e.g., Editor and Reader" Fredell [0086]).

But, Fredell fails to explicitly disclose the above wherein the entire upward management hierarchy of direct and indirect, inline managers of a task Originator and a task Recipient are granted visibility privileges.

However, Examiner takes official notice that extending access/visibility rights to a broad range of individuals, in regards to a shared document, via a electronic medium – is an old and well known way to share information amongst many users, and therefore, one of ordinary skill in the art at the time of applicant's claimed invention would have found this use obvious to have included in the method described above, by simply extending Fredell's mentioned "authorized personnel" access rights to the entire upward management for close supervision, since so doing could be performed readily and easily with neither undue experimentation, nor risk of unexpected results.

Fredell further discloses the use of a database ("allows for posting over the global communications network to selected project participants the plurality of project tasks. The posted plurality of project tasks is linkable to the database" [Abstract]). See also ("The system comprises a database configured to store project-related information including project documentation" [0011]). See also [0086] - pertaining to database storage, partitioning, and participant/viewer access rights.

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But, Fredell does not explicitly disclose three distinct databases. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have created multiple databases, since it has been held that a mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v Bemis Co.*, 193 USPQ 8. Moreover, referring to The Authoritative Dictionary of IEEE Standards Terms, 7th Edition, "database" is defined as, "a collection of interrelated data, often with controlled redundancy, organized according to schema to serve one or more applications; the data stored so that they can be used by different programs without concern for the data structure or organization."

Therefore it would have also been obvious to one of ordinary skill in the art to have set up the storage configuration in any manner available at the time of the invention.

17. Regarding **Claim 18**:

Fredell discloses an enterprise wide task and commitment management system as recited in claim 16, wherein said graphical user interface system software additionally comprises a graphical illustration of said task state machine representing a selected task (See figure 4 – "My Tasks").

But, Fredell fails to disclose the system wherein the current task state is shown in an alternate color, font, or image than the non- current task states of the selected task; the said graphical illustration being further capable of representing the zero or more permissible task transitions in an alternate color, font or image than the non-permissible

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task transitions available to the current user based on the current user's task role of Originator, Recipient or Observer on the selected task; the said graphical illustration being further capable of displaying a text message stating the user's task role, the current task state and the permissible task transition options based on the user's task role of Originator, Recipient or Observer on the selected task.

However, Examiner takes official notice that employing the use of color coding and text message display to further identify computer application users -- is old and well known in the art and is common practice throughout many software applications, and therefore, one of ordinary skill in the art at the time of applicant's claimed invention would have found this use obvious to have included in the method described above, in order to more readily establish user roles for quick visual identification, since so doing could be performed readily and easily with neither undue experimentation, nor risk of unexpected results.

Moreover, the color and message descriptor data is non-functional descriptive data. Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Exemplary "functional descriptive material" consists of data structures and computer programs, which impart functionality when employed as a computer component. "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data.

When presented with a claim comprising descriptive material, an Examiner must determine whether the claimed nonfunctional descriptive material should be given

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patentable weight. The Patent and Trademark Office (PTO) must consider all claim limitations when determining patentability of an invention over the prior art. In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401,404 (Fed. Cir. 1983). The PTO may not disregard claim limitations comprised of printed matter. See Gulack, 703 F.2d at 1384-85,217 USPQ at 403; see also Diamond v. Diehr, 450 U.S. 175, 191,209 USPQ 1, 10 (1981). However, the examiner need not give patentable weight to descriptive material absent a new and unobvious functional relationship between the descriptive material and the substrate. See In re Lowry, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994); In re Ngai, 367 F.3d 1336, 1338, 70 USPQ2d 1862, 1863-64 (Fed. Cir. 2004). Thus, when the prior art describes all the claimed structural and functional relationships between the descriptive material and the substrate, but the prior art describes a different descriptive material than the claim, then the descriptive material is nonfunctional and will not be given any patentable weight. That is, such a scenario presents no new and unobvious functional relationship between the descriptive material and the substrate.

The Examiner asserts that the color and message descriptor data adds little, if anything, to the claimed acts or steps and thus do not serve as limitations on the claims to distinguish over the prior art. MPEP 2106.01 indicates that "certain types of descriptive material, such as music, literature, art, photographs, and mere arrangements or compilations of facts or data, without any functional interrelationship is not a process, machine, manufacture, or composition of matter." Any differences related merely to the meaning and information conveyed through data which does not explicitly alter or impact the steps is non-functional descriptive data. Except for the meaning to

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the human mind, the data pertaining to the color and message descriptor does not functionally relate to the substrate and thus does not change the steps of the method as claimed.

18. Regarding **Claim 19**:

Fredell discloses an enterprise wide task and commitment management system comprising:

a. a computer-readable storage medium containing a task state machine system software and a graphical user interface system software as computer-readable program code; b. a computer usable medium having computer-readable program code means embodied therein to execute said computer-readable program code ("FIG. 2 shows further exemplary features in connection with the server software which may be readily incorporated in web server 20. For example, a distribution module 50 allows web server 20 to electronically distribute the project documentation as well as secure communications among the project participants to enable them to perform the project efficiently" [0041]). See also at least [0011 and 0086] - pertaining to the storage medium.

Response to Arguments

19. Applicant's arguments filed 4/24/2009 have been fully considered but they are not persuasive.

20. Regarding the rejection of the claims under 35 U.S.C. §103 above:

In response to applicant's assertion that Fredell fails to teach storing all task state changes to a relational database, Examiner respectfully disagrees. See ("The system comprises a database configured to store project-related information including project documentation . . . [t]he interface screen is configurable to identify a plurality of project tasks"). As the task changes are initiated, the statuses are updated and saved to the database to reflect the current state. See also ("Provide the capability for users to edit their tasks and indicate status changes and to attach supporting materials" [0117]).

21. In response to applicant's assertion that Fredell fails to teach each and every task state required by the amended claim 1, Examiner hereby clarifies that the rejection of each and every state has been incorporated in view of the obvious combination of Fredell and Corral, as gully disclosed in the rejection above.

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fathi Abdelsalam whose telephone number is (571) 270-3517. The examiner can normally be reached on Monday to Thursday 8:00-5:00pm ET.

24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. A./

Examiner, Art Unit 3689

/Tan Dean D. Nguyen/

Primary Examiner, Art Unit 3689